

IN THE DISTRICT COURT OF THE THIRD JUDICIAL DISTRICT

WITHIN AND FOR THE COUNTY OF SUMMIT

STATE OF UTAH

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T. H. HUMPHREY, State Engineer
of the State of Utah

Plaintiff

vs.

D. C. JENSEN

Defendant

P E T I T I O N

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I.

THE PETITION of Reid Jerman, Chief Deputy State Engineer
of the State of Utah, respectfully shows to the Court:

I.

That heretofore the above named plaintiff commenced an
action against the defendant, praying for the issuance of a temp-
orary injunction restraining and enjoining the defendant, his a-
gents, representatives and employees, from in anywise interfering
with the plaintiff or his representatives in the regulation, con-
trol and distribution of the water of Burnt Fork Creek, and its
tributaries. That during the pendency of said cause ~~and~~ on or about
the 13th day of August 1935 the above entitled court made and entered
an order providing as follows:-

"It is further ORDERED that said D. C. Jensen and any
person or persons acting under him be in the meantime
restrained, and all persons acting under him or in his
behalf be, and each of them is forbidden to interfere
with the State Engineer or his representatives I. Owen
Bullock, Water Commissioner, or with any diversion at
the headgate or controlling works used by said State
Engineer or said Water Commissioner, in the regulation
control and distribution of said waters."

That the said temporary Restraining Order referred to the waters of Burnt Fork Creek and its tributaries.

II.

That thereafter in disregard of and in violation of the above quoted Order of the above entitled court, the defendant, on July 4, 1936, willfully and maliciously cut the banks of the Muskrat Spring ditch, the Valley Spring ditch and the Gilles ditch, which ditches are used to divert water from Burnt Fork Creek and its tributaries, constructed dams therein and caused the water to be diverted to his ditch, transporting the said water to his own land for his use and benefit,- which said ditches were at all times mentioned herein under the supervision and control of the plaintiff and his representatives, and that said acts were in violation of and in contempt of the Order of the court, quoted above.

WHEREFORE, your Petitioner prays for the issuance of an order requiring the defendant to appear at a time certain and show cause, if any he has, why he should not be punished for contempt of court, and for an order restraining the defendant from departing from the State of Utah until such order to show cause is heard.

Signed Reid German

Petitioner

Joseph Chey
Attorney General

G. L. Liles
Assistant Attorney General

Attorneys for Plaintiff.

STATE OF UTAH)
) ss.
COUNTY OF SALT LAKE)

Reid Jerman, being first duly sworn deposes and says that he is the Petitioner above named, that he has read the foregoing Petition, knows the contents thereof and that it is true to the best of his knowledge, information and belief.

signed Reid Jerman
Petitioner

Subscribed and sworn to before me this 6 day of July, 1936.

J. W. F. Smith, Jr.
Notary Public

Seal